

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SHERRILL MORTON and WILLIAM)	
MORTON,)	NO. CIV S-03-2602 GEB GGH
)	
Plaintiffs,)	
)	
v.)	ORDER
)	
CENTERPULSE ORTHOPEDICS INC.,)	
)	
Defendant.)	
_____)	

On June 6, 2005, Defendant Centerpulse Orthopedics Inc. filed a "Notice of Motion and Motion for Judgment as a Matter of Law." Defendant's motion is tantamount to a noticed law and motion matter that is based on what Defendant anticipates will be the content of Plaintiff's opening statement. Since the motion is based on an occurrence which might not materialize, it lacks sufficient concreteness to be noticed for hearing. Therefore, it is denied.

IT IS SO ORDERED.

Dated: June 7, 2005

/s/ Garland E. Burrell, Jr.
GARLAND E. BURRELL, JR.
United States District Judge